

**MINUTES OF THE CABINET
HELD ON**

28 March 2019

7.30 - 8.45 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council
Councillor Mark Wilkinson, Deputy Leader and Portfolio Holder for Housing
Councillor Mike Danvers, Portfolio Holder for Resources
Councillor Danny Purton, Portfolio Holder for Environment
Councillor Lanie Shears, Portfolio Holder for Governance, Equality and Diversity
Councillor John Strachan, Portfolio Holder for Regeneration
Councillor Emma Toal, Portfolio Holder for Economic Growth

Other Councillors

Councillor David Carter
Councillor Simon Carter
Councillor Joel Charles
Councillor Tony Edwards
Councillor Andrew Johnson
Councillor Stefan Mullard

Officers

Brian Keane, Managing Director
Andrew Bramidge, Project Director -
Enterprise Zone and Interim Head of
Planning
Simon Freeman, Head of Finance and
Deputy to the Managing Director
Jane Greer, Head of Community
Wellbeing
Simon Hill, Head of Governance
Andrew Murray, Head of Housing
Adam Rees, Governance Support
Officer

128. **APOLOGIES FOR ABSENCE**

Apologies for absence were received Councillor Eugenie Harvey.

129. **DECLARATIONS OF INTEREST**

Councillor Ingall declared a non-pecuniary interest in Item 9a, Portfolio Holder for Community and Wellbeing – 12 March 2019, as a director of Youth Concern Trust. He indicated that he would stay in the meeting for that item unless the proposed grant was discussed.

Councillor Simon Carter declared a pecuniary interest in Item 13, HTS (Property and Environment) Ltd Contract Awards 2019/20, as a remunerated Council appointed Director of HTS (Property and Environment) Ltd. He said that he would leave the meeting in the event financial matters relating to HTS were discussed.

130. **MINUTES**

RESOLVED that the minutes of the meeting held on 28 February 2019 are agreed as a correct record and signed by the Leader.

131. **MATTERS ARISING**

None.

132. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions, together with the answers, are appended to the minutes.

133. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

134. **PETITIONS**

a) Palestine and the IHRA

Mr Adam Cochrane presented the petition to Cabinet.

RESOLVED that the petition was noted.

135. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

136. **RECENT DECISIONS TAKEN BY THE LEADER, DEPUTY OR PORTFOLIO HOLDER(S)**

a) Portfolio Holder for Community and Wellbeing - 12 March 2019

RESOLVED that the decision be noted, subject to the following amendments

(i) 'Martin Roberts Charitable Trust' to read 'Michael Roberts Charitable Trust'.

(ii) 'Integrated Support Services' to read 'Integration Support Services'.

b) Portfolio Holder for Regeneration - 14 March 2019

RESOLVED that the decision be noted.

137. **JOINT FINANCE PERFORMANCE REPORT, QUARTER 3 2018/19**

Cabinet received a report which set out both the Council's financial performance, along with its performance against its own performance indicators for the third quarter of 2018/19.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** Cabinet acknowledged the projected outturn position set out in sections three and four of Appendix A to this report for the third quarter (October - December) of 2018/19 as follows:
- (i) An over spend on controllable budgets of £20,000 representing 0.03 per cent of the gross General Fund Budget.
 - (ii) A total projected underspend of £1,225,000 representing -2.03 per cent of the gross General Fund Budget.
 - (iii) The Council performed on or above target for 48 out of 48 (100 per cent) of its quarterly performance indicators.

138. **HOUSING REVENUE ACCOUNT, QUARTER 3 FINANCE REPORT 2018/19**

Cabinet received a report which provided an update on the Housing Revenue Account (HRA) for the third quarter of 2018/19 and asked that Cabinet noted variances in the HRA budget, as well as the forecast budget of the HRA and the Major Repairs Reserve.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

A Noted:

- (i) An unfavourable variation against the approved Housing Revenue Account (HRA) operational /controllable budget of £435,000 representing 0.82 per cent of the gross HRA budget.
- (ii) A favourable non-operational variance of £3,379,000 representing 6.83 per cent of gross HRA budget which includes adjustments to capital programme financing as a result of the re-alignment of budgets in the housing

capital programme which reduces the anticipated direct revenue contribution required in 2018/19.

- B** Noted the forecast balances at 31 March 2019, of £13,307,000 in respect of the HRA and nil in respect of the Major Repairs Reserve (MRR).

139. **CAPITAL PROGRAMMES, QUARTER 3 FINANCE REPORT 2018/19**

Cabinet received a report which provided an update on the Council's Housing and Non Housing Capital Programmes and sought approval for two business cases.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

- A** Noted the progress in the delivery of the Council's Housing and Non-Housing Capital Programmes as at Quarter 3 (30 December 2018) as follows:
 - (i) Housing Capital Programme –forecast outturn of £17,165,000 (original estimate £18,804,000).
 - (ii) Non-Housing Capital Programme – forecast outturn of £10,378,000 (original estimate £15,250,000).
- B** Approved the Business Case to restore Nettesswell Pond, financed by a grant from Essex County Council £66,000 and budget virement from Townwide Flood Alleviation of £29,000.
- C** Approved a Business Case to renew the CCTV at the Bus Station at a cost of £10,000 to be funded in full from a revenue contribution.

140. **HTS (PROPERTY AND ENVIRONMENT) LTD CONTRACT AWARDS 2019/20**

Cabinet received a report to award a number of contracts to HTS (Property and Environment) Ltd for 2019/20.

Proposed by Councillor Mark Wilkinson (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** The following Business Cases are awarded to HTS (Property and Environment) Ltd subject to clarification and agreement on the terms and conditions, and that separate contracts are

entered into for each activity not exceeding the values set out below:

a) Internal Works	£930,000
b) Aids and Adaptations	£900,000
c) Compliance	£1,800,000
d) Environmental Estate Works	£100,000
e) External Works	£320,000
f) Garages	£350,000
g) Communal Boilers and Heating	£1,400,000
TOTAL	£5,800,000

141. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

a) **Referral from Scrutiny Committee - Review of the Impact of Permitted Development**

Cabinet received a referral from the Scrutiny Committee which recommended that Article 4 Directions were sought for some of the employment areas within the town.

Councillor Purton proposed that the recommendation contained within the report was amended to seek an Article 4 Direction for the Town Centre (as defined by the red area on the Council's emerging Town Centre Area Action Plan). This amendment was accepted by the seconder (Councillor John Strachan) and became the substantive motion.

Proposed by Councillor Danny Purton (seconded by Councillor John Strachan) it was:

RESOLVED that:

A The Council seeks Article 4 Directions for the employment areas of The Pinnacles, Templefields (area not already covered by the Templefields Enterprise Zone (EZ) site Article 4 Directions), the Burnt Mill Industrial area/offices adjacent to Harlow Town Railway Station (attached as appendices C, D and E to the report) and the Town Centre (as defined by the red area on the Council's emerging Town Centre Area Action Plan), and then to notify the Secretary of State to grant this.

b) **Referral from Cabinet Overview Working Group - Community Engagement Strategy**

Cabinet received a referral from the Cabinet Overview Working Group which recommended that the draft Community Engagement Strategy was approved.

Proposed by Councillor Mark Ingall (seconded by Councillor Lanie Shears) it was:

RESOLVED that:

A The draft Community Engagement Strategy (attached as Appendix A to the original report) be approved.

c) Referral from Scrutiny Committee - Improving the Provision of Bus Services in Harlow

Cabinet received a referral from the Scrutiny Committee following is review of bus service provision in Harlow.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

A The outcomes of the Local Bus Consultation relating to future transport requirements in Harlow and wider areas be referred to the Garden Town Board.

142. **MINUTES OF PANELS/WORKING GROUPS**

None.

143. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

**CABINET – 28 MARCH 2019
QUESTIONS FROM THE PUBLIC**

Agenda item 5 refers

1. **Mr Hugh Hoad to Councillor Mark Ingall, Leader of the Council**

At the Council meeting on 28 February 2019, the Opposition proposed their Alternative Budget for 2019/20. This included that the Council should encourage paperless billing of Council Tax. In the discussion that followed you said this was not possible to do because of some Act of Parliament.

In the paperwork I received for 2019/20 Council Tax Bill there was a statement that one could receive a paperless bill.

Can one receive a paperless bill?

Reply from Councillor Mark Ingall, Leader of the Council

Yes, it is possible for residents to move to paperless billing for their Council Tax thus avoiding the need to print and post paper bills to households. To be able to do this however residents liable for council tax must first sign up to the Council's online account facility via the Council's website to access their Council Tax bill online. The annual bill or any subsequent revised bills issued during the year will be posted to their online account and the resident will be advised via an e mail alert that their bill is ready to view. If a customer has registered for an on line account and paperless billing then they still have the right to receive a paper copy of the bill should they require one.

As part of the legal recovery processes, if a customer is registered online for paperless billing but has failed to access their on line bill then the Council must ensure that a paper copy of the bill has been sent to the resident prior to commencement of legal recovery action.

Supplementary Question by Mr Hugh Hoad to Councillor Mark Ingall, Leader of the Council

Will the Council consider offering a slight discount a Council Tax for those who receive a paperless bill?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council

I am aware of the discussions that have taken place at the Housing Standards Board and the Council will consider all options.

2. **Mrs Nicola Purse to Councillor Mike Danvers, Portfolio Holder for Resources**

I understand the Council holds several funds for Church Langley left by the developers. Can you tell me how much that is and the purpose of the funds?

Reply from Councillor Mike Danvers, Portfolio Holder for Resources

Yes, the Council does hold a number of funds which were established using payments made to the Council. These stem from a collection of various planning and individual estate grounds maintenance agreements negotiated with the 15 or so separate house builders and the master planner involved in the planning and delivery of the Church Langley development. The major element of the Infrastructure Funds represent a fixed purpose trust fund attached to a covenant for the Council to undertake specified landscaping maintenance for an indefinite time period.

The Infrastructure Fund has been the subject of previous reviews involving Council Officers and Church Langley Councillors. As a result of those reviews it was agreed that the infrastructure agreement exists to cover the woodland, footpaths, play areas and associated landscaped areas. This would be to ensure that the woodland is managed in accordance with good practices, to keep landscaped areas mowed and free from rubbish and weeds, and at least once every planting season, replace diseased or dead shrubs, plants or trees with similar ones (but can be substituted, for example, on health and safety grounds), to maintain footpaths or play areas for which any machinery or apparatus on the same should be maintained for 15 years.

As at the 31 March 2018 the balance of the relevant funds remained at approximately £430,000 and is openly reported within the Council's annual accounts and the annual budget reports as part of the disclosure of information relating to its reserves. Also, there is approximately £70,000 for recreation facilities which could be spent. There had been expressions of interest for community facilities and these plans need to be developed so that this money can be spent.

Further work has been ongoing since last autumn with Council Officers and local ward Councillors to identify an updated programme of works for grounds maintenance across the Church Langley area for which the funding will be used in subsequent years. A major issue with this project has been the identification of land ownership which is very problematic. Some of the areas where grounds maintenance issues are frequently reported are actually still either in the ownership of developers or are actually residents' responsibilities. In order to maintain the funds in perpetuity, it will be

necessary to carefully profile expenditure so that adequate balances remain across a protracted timescale. If, for example, the total balance were anticipated to remain available to support the Council's maintenance work for a period of 50 years, then the scope for annual expenditure stands at £13,300 per annum (with variations dependent upon interest rate and inflationary movements).

Supplementary Question by Mrs Nicola Purse to Councillor Mike Danvers, Portfolio Holder for Resources

Please could you give a time funds will be released and works will take place?

Supplementary Reply from Councillor Mike Danvers, Portfolio Holder for Resources

I have been involved with the discussions surrounding the funds and had worked with the Social Club to develop plans. The local ward Councillors needed to help establish the work programme.